



4. The facts asserted in First Mercury's Motion to Strike, and incorporated herein, are true and show that Colony's Motion is premature.

5. First Mercury will not be able to properly address, as required by Federal Rule of Civil Procedure 56(c), Colony's assertions of fact in its Motion until adequate discovery has been conducted.

DATED this 30th day of April, 2019

/s/ Cy Haralson

Cyrus W. Haralson

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure on this the 30th day of April, 2019.

/s/ Brian S. Martin

Brian S. Martin